

**REMARKS/ARGUMENTS**

After the foregoing Amendment, claims 1-8, 10-18 and 20 are currently pending in this application. Claims 1 and 12 have been amended to include the limitations of claim 9 and 19, respectively; claims 9 and 19 have been canceled without prejudice. This amendment raises no new issues and, in fact, eliminates many of the issues so that the claims are placed in better form for appeal. Accordingly, the amendments are proper for entry after Final and entry of this amendment is respectfully requested.

**Claim Rejections - 35 USC § 103(a)**

Claims 1-20 stand rejected under 35 USC § 103(a) as being unpatentable over Oda (US Patent No. 6,628,698) in view of Schwengler et al. (US Patent No. 7,031,753). These rejections are respectfully traversed. In view of the foregoing Amendment, the rejections are moot except as previously applied to claims 9 and 19, the subject matter of which is now presented in amended claims 1 and 12..

The present invention is directed to a wireless transmit/receive unit with multiple receivers that are selectively powered to limit energy consumption. Independent claims 1 and 12 have been amended to include the feature of canceled claims 9 and 19, respectively, where a primary receiver is independent and not controlled by the control unit. Specifically, amended claim 1 now requires:

a primary receiver that is powered in a manner not controlled by the control unit and a secondary receiver that is powered in a manner controlled by the control unit.

Amended claim 12 now requires:

the WTRU has a primary receiver and a secondary receiver, further comprising maintaining the powering of the primary receiver irrespective of predetermined thresholds and selectively controlling the powering of the secondary receiver based on the predetermined thresholds such that the secondary receiver is not powered under predetermined conditions when it is desirable to limit energy consumption.

The Examiner asserts that Figure 13 of Oda shows a primary receiver that is powered in a manner not controlled by the control unit. However, it is clear from Figure 13 that the "control unit," i.e. switch control 44, is operative to the power to all of Oda's "receivers," i.e. fingers 38<sub>1</sub>-38<sub>N</sub>. The fingers 38<sub>1</sub> through 38<sub>N</sub> of the RAKE receiver shown in Figure 13 of Oda are each connected via a control switch to switch control section 44 of finger section power control circuit 37, as explained in Column 11, lines 3-15 of Oda:

FIG. 13 is a block diagram showing the internal arrangement of the finger section power control circuit 37 in FIG. 6.

The finger section power control circuit 37 has a switch control section 44. The switch control section 44 receives the computation result from the CPU 36 and controls switches for turning on/off power supplied to the fingers 38<sub>1</sub> to 38<sub>N</sub> in the finger section 38 on the basis of the received result. That is, the finger section power control circuit 37 controls the switches to supply power to only the fingers, of the fingers 38.sub.1 to 38.sub.N, which correspond to the delay times notified by the CPU 36.

Accordingly, there is no "primary receiver that is powered in a manner not controlled by the control unit" since in Oda, the power to all of the "receivers" is

controlled by the switch control section 44. This is a fundamental difference between the primary and secondary receivers of the claimed invention and the RAKE receiver Oda.

With respect to the present invention, each of the primary and secondary receivers could be RAKE receivers such as disclosed by Oda. The Oda RAKE receiver is designed such that any of the RAKE fingers can be powered on turned off depending upon where the strongest of several multi-path signals are located. This is fundamentally different that having a primary receiver which is always used and then switching on and off a secondary receiver which is independent of the multipath conditions utilized in Oda to control which RAKE fingers are powered. The fingers of the RAKE receiver are simply not equivalent to a plurality of receivers as taught by the present invention, where each receiver is capable of operating with a separate antenna system, as explained in paragraph 0031:

Each receiver can be coupled to a different antenna system to provide a degree of spatial diversity or a common antenna system can be employed for all of the WTRU's receivers.

Oda controls the powering of each of the N fingers by opening and closing respective switches for each finger based on signals form the CPU 36. Nowhere in Oda does it teach or suggest a designated primary receiver that is not controlled by the switch control section 44 and that is always powered on irrespective of predetermined thresholds for controlling the powering of secondary receivers.

Accordingly, Oda does not teach or suggest the invention as defined by amended claims 1 and 12.

Schwengler does not add anything to the teachings of Oda with respect to a primary receiver powered in a manner not controlled by a control unit and a secondary receiver that is powered in a manner controlled by the control unit. In view of the arguments above, withdrawal of the 35 USC § 103(a) rejection of claims 9 and 19, the subject matter of which is now presented by amended 1 and 12, is respectfully requested.

Claims 2-8, 11-18 and 20 are dependent upon amended claims 1 and 12, which the Applicants believe are allowable over the cited prior art of record for the same reasons provided above to traverse the rejection of claims 9 and 19.

### **Conclusion**

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application, including claims 1-8, 10-18 and 20, is in

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condition for allowance. Reconsideration, entry of the claim amendment and a Notice of Allowance are respectfully requested.

Respectfully submitted,

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